



The Dow Chemical Company  
Midland, Michigan 48674  
USA

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February 28, 2017

Via Certified and Electronic Mail

Mr. Kenneth Talton, Enforcement Officer  
Superfund Enforcement Assessment Section (6SF-TE)  
U.S. EPA Region 6  
1445 Ross Avenue  
Dallas, TX 75202-2733

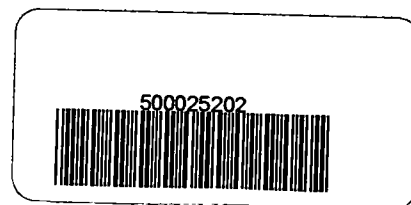
**Re: The Dow Chemical Company's Response to Request for Information  
Pursuant to CERCLA Section 104(e) for the SBA Shipyard Superfund Site,  
Jennings, Jefferson Davis Parish, Louisiana**

Dear Mr. Talton:

The Dow Chemical Company ("Respondent") hereby submits this Response to the Request for Information ("Request") from the United States Environmental Protection Agency ("EPA") concerning the SBA Shipyard Superfund Site (the "Site"). Respondent has undertaken a thorough investigation designed to identify available existing documents and/or other information in its possession, custody or control. Such available information forms the basis for Respondent's response. Respondent reserves the right to supplement, modify and/or amend this Response if new or additional information is discovered.

Respondent has endeavored to answer the questions in the Request to the extent reasonably possible. The enclosed information is being provided in an effort to cooperate with EPA, without admitting or acknowledging that EPA has the authority to require production of the information requested, or that the statutory authority asserted in the Request is applicable. Additionally, nothing in this Response should be construed as an admission of any liability or responsibility on the part of Respondent regarding any costs incurred by EPA or any other party relating to the Site. Respondent reserves all defenses and rights available to it under the law.

Respondent has a policy and well-documented history of cooperation with federal, state, and local environmental authorities. It intends to cooperate, likewise, with respect to the Request. Certain aspects of the Request, however, compel Respondent to raise objections. In so doing, Respondent does not intend to diminish the seriousness of purpose with which it has investigated matters implicated by the Request or with which it has assembled this Response.



### **General Objections**

Respondent asserts the following General Objections to the Request, which General Objections are hereby incorporated in each and every response of Respondent to individual questions below. To the extent Respondent responds to questions to which it objects, such objections are not waived by the furnishing or providing of information.

1. Respondent objects to the Request to the extent the Request exceeds the scope of EPA's authority under the statutory references cited in the Request.
2. Respondent objects to the Request as overly broad and unduly burdensome to the extent that it seeks information that has no relation to the Site or relevance to this inquiry and to the extent that it seeks information regarding activities at a level of detail that is impossible to provide without extreme burden and oppression, if at all. The burden on Respondent is enhanced given that the Request seeks information dating back over 40 years. With the passage of time, complete records may no longer exist, relevant witnesses with firsthand knowledge are now deceased, memories have faded, and any attempt to recreate history often presents an insurmountable challenge and an undue burden.
3. Respondent objects to the Request to the extent it seeks information protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the joint defense privilege, and any other legally cognizable privilege. Respondent further objects to the Request to the extent it dictates the manner in which those privileges are to be asserted.
4. Respondent objects to the Request to the extent that it seeks information in the possession, custody, or control of EPA, or any other local, state, or federal governmental authority. Respondent further objects to the Request to the extent that it seeks information that is a matter of public record.
5. Respondent objects to the Request to the extent that it seeks information outside of Respondent's possession, custody or control.

### **Response to Request for Information**

#### **General Information Concerning Respondent**

1. **Provide the full legal name and mailing address of Respondent.**

The Dow Chemical Company  
2030 Dow Center  
Midland, MI 48674

- 2. Identify and provide the full name, title, business address, and business telephone number for each person answering these questions on behalf of the Respondent, and each person(s) that was relied on or consulted with the preparation of the answer.**

In addition to the General Objections set forth above, Respondent also specifically objects to this Question as overly broad and unduly burdensome. The subject matter of the Request concerns matters dating back over 40 years. As a consequence, Respondent's efforts to respond to the Request required consulting multiple persons, including counsel, legal assistants and employees in Accounts Payable, Environmental Health and Safety, and Records. The breadth of this inquiry makes it neither reasonable nor possible for Respondent to identify all persons who assisted or were consulted in preparing this Response.

Subject to and without waiving these objections, Respondent states that this request was prepared by Respondent's legal counsel:

Megan C. McCulloch, Senior Counsel  
The Dow Chemical Company  
2030 Dow Center  
Midland, MI 48674  
(989) 636-8790

- 3. If Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, and telephone number.**

Megan C. McCulloch, Senior Counsel  
The Dow Chemical Company  
2030 Dow Center  
Midland, MI 48674  
(989) 636-8790

- 4. If Respondent is a business, please give a brief description of the nature of the business.**

From Respondent's Annual Report:

Dow combines the power of science and technology to passionately innovate what is essential to human progress. The Company is driving innovations that extract value from materials, polymers, chemicals and biological sciences to help address many of the world's most challenging problems such as the need for clean water, clean energy

generation and conservation, and increasing agricultural productivity. Dow's integrated, market-driven, industry-leading portfolio of specialty chemical, advanced materials, agrosciences and plastics businesses delivers a broad range of technology-based products and solutions to customers in approximately 180 countries and in high-growth sectors such as packaging, electronics, water, coatings and agriculture.

**Requests for Documents**

- 1. Have you or any associated and/or related entities in any way been involved with or conducted business with the Site?**

After diligent investigation, Respondent has been unable to locate any information in its possession, custody or control that would indicate that Respondent or its related entities have been involved with or conducted business with the Site.

- 2. If your answer to question 1 above is “No”, you do not need to respond to the remaining questions.**

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Megan C. McCulloch". The signature is fluid and cursive, with the first name "Megan" being more prominent.

Megan C. McCulloch, Esq.